IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30766 of 2006(K)
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PETITIONER:
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VIJAYAKUMARAN, S/O.VELAYUDHAN,
VALIYAVEETTIL, KADAMPUZHA, MALAPPURAM.

BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD
SRI.P.GOPALAKRISHNAN (MVA)

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED
BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE (DEVASWAM)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE COMMISSIONER, HINDU RELIGIOUS
CHARITABLE ENDOWMENTS (ADMINISTRATION)
DEPARTMENT, KOZHIKODE-20.

4. THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS CHARITABLE ENDOWMENTS
(ADMINISTRATION) DEPARTMENT, KOZHIKODE-20.

5. THE EXECUTIVE OFFICER,
SREE KADAMPUZHA DEVASWAM, KADAMPUZHA,
MALAPPURAM.

6. M.V. SANKARA WARRIER,
HERIDITARY TRUSTEE, SREE KADAMPUZHA
BHAGAVATHI DEVASWAM, MANEMANYALATH WARRIYAM
CHEMMUMOTHATTA, KURULAI P.O., MALAPPURAM.

BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**V.K. BALI, C.J. & S.SIRI JAGAN, J.**

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**W.P.(C) No.30766** of 2006

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Dated, this the 21st day of November, 2006

**JUDGMENT**

**V.K.Bali,C.J.(Oral)**

Challenge in the present petition is to Ext.P7 which is an interim order passed by the Principal Secretary to Government of Kerala. By the order aforesaid, the petitioner herein has been prohibited to function as non hereditary trustee of Sree Kadampuzha Bhagavathi Temple. Concededly, it is an interim order. Learned counsel for the petitioner contends that an appropriate application for vacating the stay ordered vide Ext.P7 was made on 29.9.2006 (Ext.P8), but no decision has been taken on the same thus constraining the petitioner to rake up the issue by way of writ petition.

2. We have heard learned counsel appearing for the petitioner and examined the records of the case. We are of the view that the order Ext.P7 had temporarily, even though, debarred the petitioner to function as a non hereditary trustee. It was an order adversely affecting the right of the petitioner and

if an application for vacating the said order was made, the same ought to have been dealt with expeditiously. In totality of the facts and circumstances of the case we direct the Principal Secretary to Government, Revenue (Devaswom) Department to deal with the application Ext.P8 as expeditiously as possible and pass orders thereon in accordance with law. Till such time order is passed on Ext.P8, operation of the order Ext.P7 shall remain suspended.

Writ petition is disposed of accordingly.

**V.K. BALI,**
**CHIEF JUSTICE.**

**S.SIRI JAGAN,**
**JUDGE.**

vns